

CITY COUNCIL MINUTES
May 13, 2013

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, May 13, 2013 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with Vice-President Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver.

Absent: Robinson

There being eight (8) members present and one (1) member absent and eight (8) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance is led by Councilman McGinn

Fellow Councilmen and those in the audience, welcome to the May 13, 2013 meeting of the Common Council.

COUNCIL ATTORNEY

This evening Scott Danks is City Council Attorney.

SERGEANT AT ARMS

This evening Officer Ward is Sergeant at Arms.

READING AND AMENDMENT OF MINUTES

Is there a motion to approve the minutes of the April 29, 2013 meeting of the Common Council as written?

Councilwoman Mosby moved and Councilman McGinn seconded the motion to approve the minutes of the meeting of the Common Council held April 29, 2013 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR MAY 10TH PACKET:

- *City Council Meeting Agenda for May 13, 2013.
- *Committee Meeting Schedule.
- *City Council Meeting Minutes dated April 29, 2013.
- *Ordinances G-2013-6, G-2013-7, and F-2013-5.
- *Amended Ordinance F-2013-4.
- *Rezoning Ordinances R-2013-8 and R-2013-9.
- *Area Plan Commission Meeting Minutes from April 11, 2013 and Staff Field Reports.
- *A letter from Allen Mounts listing schedule of Presentations to each Ward on the Integrated Overflow Control Plan to the EPA.
- *Evansville Redevelopment Commission Minutes of Meeting held April 10 and April 16, 2013.
- *Compliance with Statement of Benefits Report for Cedar Trace Apartments III, L.P.
- *A memo to City Council from Mayor Lloyd Winnecke regarding the local homestead tax credit for 2014.

Vice-President Adams: Is there a motion to receive, file and make these reports and communications a part of the minutes of the meeting?

Councilwoman Mosby moved and Councilman O'Daniel seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE G-2013-6 PUBLIC WORKS O'DANIEL

An Ordinance to vacate a certain public way or public place within the City of Evansville, Indiana, commonly known as a portion of the northern most lane of Division Street between Oakley Street on the west and Mary Street on the east

ORDINANCE G-2013-7 PUBLIC WORKS O'DANIEL

An Ordinance to vacate a certain public way or public place within the City of Evansville, Indiana, commonly known as 711 W. Mill Road

ORDINANCE R-2013-8 TO APC C-2 TO R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1021 Lincoln Avenue, Evansville, Indiana

Petitioner: Vanessa Fullop
Owners: Same
Representative: Same
District: Connie Robinson, Ward 4

ORDINANCE R-2013-9 TO APC C-2 w/U&D to C-4 w/U&D

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 716 N. Weinbach Avenue

Petitioner: Mark Daily
Owners: Same
Representative: Same
District: Stephanie Brinkerhoff Riley, Ward 3

Vice-President Adams: Is there a motion to adopt the Consent Agenda as written?

Councilwoman Brinkerhoff-Riley moved and Councilman O'Daniel seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2013-2 FROM APC R-1 to C-4 with U&D Comm.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 601 E. Mill Road, Evansville, Indiana 47711

Petitioner: Bethany Christian Church
Owners: Same
Representative: Leslie C. Shively, Attorney
District: John Friend, Ward 5

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 12 affirmative votes.

ORDINANCE R-2013-3 Amended FROM APC CO-2 w/U&D Comm. to CO-1 w/U&D Com.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 11 Vann Avenue, Evansville, IN

Petitioner: Vicki L. Brasel
Owners: Same
Representative: Krista B. Lockyear, Attorney
District: Dan McGinn, Ward 1

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 9 affirmative votes and 2 abstentions. This was continued from April 8th City Council Meeting to May 13th by request of Krista Lockyear. Krista Lockyear is requesting to continue this rezoning again until the June 10th City Council Meeting.

Vice-President Adams: I'll entertain a motion to have a continuance on this rezoning.

Councilwoman Mosby moved and Councilman O'Daniel seconded the motion to continue this Rezoning Petition to June 10, 2013 City Council Meeting. Voice vote. So Ordered.

ORDINANCE R-2013-5 FROM APC C-4with U&D to C-4 with Amended U&D

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3931 and 3901 W. Lloyd Expressway, Evansville, IN 47712

Petitioner: Creekside Plaza, LLC
Owners: Robert W. Owens
Representative: Joe Kiefer
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 11 affirmative votes and 1 abstention.

Vice-President Adams: I'll entertain a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report.

Councilwoman Mosby moved and Councilman Lindsey seconded the motion to adopt the Consent Agenda and to accept the Area Plan Commission report. Voice vote. So ordered.

Council now stands at Third Reading of Zoning Ordinances, which is final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-2 FROM APC R-1 to C-4 with U&D Comm.

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 601 E. Mill Road, Evansville, Indiana 47711

Petitioner: Bethany Christian Church

Vice-President Adams: Talk to us about this.

Krista Lockyear: Good afternoon Mr. President, members of Council. My name is Krista Lockyear. I'm here on behalf of Bethany Christian Church requesting your approval for a rezoning of a very small rectangular piece of land, the church property along Mill Road, to allow them to insert an electronic messaging board into the lower casing of their existing sign so that they don't have to go out and manually change their messages every time the message changes they need to have posted.

You do have a recommendation for approval from Area Plan Commission, as was identified in your packet. I also want to report that we had one neighbor who had some concern. Tom Shetler, who lives directly across the street on Mill Road, had some concerns with the light, really during the winter months, shining into his bedroom window all night long. The church has agreed with Mr. Shetler to turn off the light on the electronic board at 10:00 p.m. every night between the months of October and April. In reality, we'll probably do it year round. I think that practically, that will serve the church's terms better but we have entered into that agreement.

Vice-President Adams: Are there any questions or discussion from members of Council?

Okay, any comments from our audience tonight? Good, all right.

I'll entertain a motion to adopt Ordinance R-2013-2.

Councilwoman Mosby moved and Councilman Friend seconded the motion to adopt Ordinance R-2013-2 and call the roll.

Vice-President Adams: We have a motion and a second. Roll call vote please, voice vote please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver

Absent: Robinson

Vice-President Adams: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2013-2 is hereby declared adopted.

Krista Lockyear: Thank you very much.

Vice-President Adams: Thank you.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-5 FROM APC C-4 with U&D to C-4 with Amended U&D

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3931 and 3901 W. Lloyd Expressway, Evansville, IN 47712

Petitioner: Creekside Plaza, LLC

Vice-President Adams: Is there someone here to present that?

Talk to us about what you're trying to do.

Danny Leak: Danny Leek with Morley and Associates, here on behalf of Creekside Development, LLC to rezone a property from a C-4 with U&D to C-4 with Amended U&D to allow billboards to be placed on the site. There is an existing sign which is a Kohls sign there which is an on-sight sign for that department store and the new tenant which will be Shoe Carnival, is wanting to put up their own tenant sign up there (*Inaudible*), it will be an (*Inaudible*) Sign, and so we're requesting a change in the Use & Development Commitment to allow that to take place.

Vice-President Adams: Any questions for this gentleman from Council?

Connor O'Daniel: Where will this be in relation to the Kohls sign because I know I spoke with Mr. Kiefer on this and it's my understanding that Kohls actually owns that strip of land, I guess the far west side of the property, in order to get that signage on there. Where will this be in...?

Danny Leak: This sign will be placed 338 feet further to the east from the Kohls sign.

Connor O'Daniel: Okay, so much closer to the old Dorothy Drive...

Danny Leak: Yes.

Connor O'Daniel: Okay, I see, yeah.

Vice-President Adams: Any other questions from Council? Any comments from our audience tonight?

Okay, I'll entertain a motion please to adopt Ordinance R-2013-5 and call the roll.

Councilman Friend moved and Councilman Weaver seconded the motion to adopt Ordinance R-2013-5 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver

Absent: Robinson

Vice-President Adams: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2013-5 is hereby declared adopted.

Danny Leak: Thank you very much.

Vice-President Adams: Thank you sir for coming.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2013-4 amended FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN FRIEND

Councilman Friend: Yes Mr. President, your Finance Committee met this evening to hear Ordinance F-2013-4 as amended and it comes forth with a do-pass recommendation.

Vice-President Adams: I'll entertain a motion to adopt Committee Reports to move this Ordinance to Third Reading.

Councilwoman Mosby moved and Councilman McGinn seconded the motion to adopt the Committee Reports and move this Ordinance to Third Reading. Voice vote. So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2013-4 amended FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

Vice-President Adams: Is there a motion to adopt Ordinance F-2013-4 as amended and call the roll?

Councilman McGinn moved and Councilwoman Mosby seconded the motion to adopt Ordinance F-2013-4 as amended and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Adams, O'Daniel, Weaver

Nays: Friend, Lindsey

Absent: Robinson

Vice-President Adams: There being seven (7) Ayes and two (2) Nays, Ordinance F-2013-4 as amended is hereby declared adopted.

MISCELLANEOUS BUSINESS

The next City Council meeting will be Monday, May 20, 2013 at 5:30 p.m. Committee meetings will begin at 5:10 p.m.

We have a Shance Sizemore please. He's going to talk to us about the Tax Phase-In Compliance Report on Cedar Trace Apartments III, L.P.

Welcome sir.

Shance Sizemore: My name is Shance Sizemore, with the Growth Alliance for Greater Evansville. Before you, you have the CF-1 for 2012, (*Inaudible*). This is because of a partial year assessment on the property that was finished in 2012, therefore they have a tax bill for 2013 that needs to be amended at the Auditor's Office and to do that we have to have the CF-1 Compliance form for the tax phase-in.

Vice-President Adams: To do that you have to have a what?

Shance Sizemore: The CF-1 tax...it's the compliance report so this is the first year (*Inaudible*) the one you had before you. Basically, it states their investment amount compared to the SB-1 or their original request (*Inaudible*). They are going to put X amount of dollars, in this case, they originally said they were going to install \$5,760,000 worth of real property on to the property with an actual cost of \$5,770,492. Therefore, with that assessed value, they have a tax bill due on that (*Inaudible*). But being they had a ten-year tax phase-in that was confirmed in 2010. Since it was finished in 2012, this would be their first year; therefore, they should have the 100% abatement for this year.

Vice-President Adams: Any query's?

Councilman McGinn: No, I mean I'm happy that they just gave us another 1.745 million dollars of assessed value in the tax roll that we start getting taxes on next year.

Shance Sizemore: Correct. Yes, you'll start seeing that...

Councilman McGinn: A partial, yeah, that's great.

Vice-President Adams: Do we need any action on this or are you just reporting this to us.

Shance Sizemore: This needs to be approved by the Council and then it'll be signed saying that they have substantially complied with what they've requested, signed, and then I can send it to the Auditor's Office to have them make the corrections to it.

Vice-President Adams: Okay. Any more comments from the Council? Any comments from our audience?

Councilman O'Daniel: The only comment is what verification is there that this was the cost of the improvement. Is there a (*Inaudible*) report or anything else that goes along with this? I mean I kind of look at this like a sales disclosure kind of deal for real estate but what...where do these numbers come from?

Shance Sizemore: The compliance numbers are checked by the Auditor's and Assessor's Offices as well. They actually get sent a (*Inaudible*) form of showing the investment amount if its personal property as well as real property. They have the assessor come out and assess the property value and based upon that tax base increase, so the dollar amount that's actually putting in is kind of inconsequential; it's mostly the increased assessment value of the property is what they actually get the abatement on.

Connor O'Daniel: So we are just approving that.

Shance Sizemore: Correct.

Vice-President Adams: Any other comments?

I'll entertain a motion of approval of this report.

Councilwoman Mosby moved and Councilman O'Daniel seconded the motion to approve this report. Voice vote. So ordered.

Vice-President Adams: Great. You have your approval.

Shance Sizemore: Thank you.

Vice-President Adams: Thank you sir.

Councilman McGinn: *(Inaudible)* anything? I know there is a place on the back with a checkmark and a Sign. Do we have to...?

Shance Sizemore: Correct. That will need to be filled out, *(Inaudible)* the Clerk, and then signed by *(Inaudible)*. It's saying that they are in substantial compliance and then the current years' compliance; I will have all that put together with a decent format with a spreadsheet and everything coming before you in probably about a month or so.

Councilman McGinn: Okay, so you'll prepare this form to submit to the Clerk and they she'll have...

Shance Sizemore: She should already have the form.

(Unidentified Speaker - Inaudible)

Shance Sizemore: Yeah it's on the back, second page.

Councilman McGinn: We just need to check that the property is in substantial compliance and then it is signed by President Adams.

Shance Sizemore: That's it.

Councilman McGinn: All right. I wanted to make sure before you go out of here that we knew what we were doing. Thanks.

Vice-President Adams: Okay great, thank you sir.

Allen Mounts, Water Department Director, come tell us about the EPA hurt.

Allen Mounts: Thank you Council. Laura I might need your help. I think the computer shut down.

Vice-President Adams: *(Inaudible)* a fireman in our hallway. Welcome back

Unidentified Speaker: Thank you.

Vice-President Adams: Good to see you again.

Councilman McGinn: Allen, before you start, may I ask a question? Is this the presentation that is also going to be at the satellites, including McCullough Library tomorrow? Is this the same presentation that is going to be given?

Allen Mounts: *(Inaudible – Off Mic)*

Councilman McGinn: Well I just may have just saved myself a trip. Thanks.

Allen Mounts: I can perhaps go ahead and get started here while this is booting up because we'll handle the presentation in just a little bit. I don't know if you heard Councilman McGinn's question but he asked if this is the same presentation that we'll be making at the six public meetings we have this week. The answer is yes. It's exactly the same presentation.

Just a few opening comments for you. You know it's hard to believe that we have now arrived at that point where we are going to be filing our proposed final plan with EPA. During the past three years, over 20 engineering firms have invested thousands of man-hours to reach this point. During this time we have submitted over 75 reports and documents to the EPA of which approximately 20 plus reports were mandated by the Consent Decree.

As you are aware, last year the City requested that the EPA granted a six-month extension to gather more data related to how the City's sewer system behaved during rain and snow events. You may recall that much of the analysis was based on 2011 data, which was the wettest year in Evansville's entire history. We argued with the EPA that this 2011 data would most likely distort the City's plan and the resulting cost from that. The EPA finally granted our request to extend the filing of the City's plan from November 30th to May 31st of this year and it has now cost the Utility nine million dollars in engineering work to get to this point plus legal fees and accounting fees incurred with that, so obviously a huge task to reach this juncture, not counting the endless number of hours the Utility staff has had to devote on focusing on building this plan out in addition to their day jobs. During the last six months we've been able to collect additional data plus we've had numerous meetings with the EPA; conference calls, email exchanges, you name it, and we filed over 50 additional reports and analysis that the EPA has requested during that six month period, so a pretty comprehensive exercise.

This evening we will present to you the plan we will submit to the EPA on the May 31st. It's not a plan that the EPA has approved. That will be the next step for them to review and approve this plan. We believe that our team has engineered creative solutions and worked hard at building a plan that is affordable and meets the obligations required by EPA regulations and the Clean Water Act. However, this evening you will hear us say several times the EPA will push hard for us to spend and do more over a shorter period of time. I've had numerous conversations with Utility Directors throughout the State of Indiana as well as other states and it's a consistent story that cities are facing in terms of the challenges with the EPA.

This evening I've asked Jim Garrett...Jim Gerard, excuse me, to present our plan. Jim has assisted the utility for a number of years in the discussions with the EPA. Some of you may recall that Jim was the Utility Director prior to my appointment. Jim was retained as a Special Projects Manager for the Integrated Overflow Control Plan and has been involved in every aspect of this plan, so Jim is well versed on everything that's happened during the duration of building out this plan.

When we move into questions and answers this evening, we'll also have several members of our team present to answer questions that you have and respond to your questions as best we can. And with that...Jim?

There you go. Thank you very much.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: Well it could be. Believe me, there is a lot to talk about. The presentation has about 48 slides; I can go as quickly or as slowly as you all want to be honest but there is a good amount of detail and some background just to get some perspective of where we've been and where we are going.

Alright. As Allen mentioned, I am Jim Gerard and it's good to see you all, some of you again as well. Thanks for having us this evening. I'll walk through this and if you have questions throughout, feel free to ask them; we'll do our best to answer them. If I can't, as Allen said, we have Paul Amico CH2MHILL®. He's been part of this program longer than I have frankly. He's been around for a while. Mike Labitzke, Utilities engineer and Lynn Wyle, also with CH2MHILL® so we'll do our best to answer your questions.

Renew Evansville was sort of the moniker we gave, the branding we gave this a while back so folks knew what this was and could identify this big capital program through this effort, which really will renew Evansville's sewer system in lots of ways.

Agenda...I've mentioned a little bit of *(Inaudible)* background, some history. It was agreed to a couple of years ago. A brief sewer system some overview to give some logistics of what's where and how things lay in the City. Overflow control planning is some of the challenge associated with doing that work. The IOCP itself, which is the Integrated Overflow Control Plan, so IOCP is one of our acronyms to short circuit that but that is the plan itself. It's called Integrated Plan because it deals with the combined system, which carries both storm water and wastewater, and a separate sanitary system because it carries, by design, only waste water.

I'll talk about the finances around the plan, the costs, the plan itself and then some of the public involvement and the next steps in the process, both with the public and the regulators as we go forward and submit this final plan.

The Clean Water Act of 1972, this really is sort of the background and the driving force behind all this work which mandates that cities take action to clean up their waterways. It's enforced by EPA and IDEM. It incorporates a CSO policy, which is the Combined Sewer Overflow policy, 1994 which sets the framework and the parameters around how cities have to address these issues.

As Allen mentioned, Evansville is not alone, there are over 100 communities in Indiana, there are over 1000 across the country. All of them are being pushed by either the EPA or IDEM or their state regulators to deal with these issues and they're cost *(Inaudible)*, as you will see.

This also addresses overflow of the separate sanitary system. I mentioned that's the part of system, by design, convey both storm water and wastewater, so with the separate sanitary system, there are some issues with that system as well and we'll talk about that more in a second.

CSO. So what is a Combined Sewer Overflow? As I mentioned, by design, those pipes in our system carry both storm water and wastewater. You know 100 years ago when people started

trying to get storm water out of cities, the plan was let's build pipes, take that storm water to the river, gets it out of downtown, deals with flooding. Indoor plumbing came along. The question was asked, you know, "What do we do with our toilet water and our drains both connected to the same line?", so what happened is sanitary lines from home so what happened it those sanitary lines from homes and businesses were connected to those old storm sewers and we now have *(Inaudible)* a combined system. So we have sewers in our systems that carry, by design, storm water when it rains and also wastewater from people's homes and their businesses as well. You can see what primarily happens when it rains, what happens is those pipes fill up, they exceed their capacity and by design, they overflow into rivers and streams. That's what we have here and that's what a CSO is.

In this next diagram, it sort of laid it out for you. You can see, I've got a pointer here, just a little...oh you can't see what I'm pointing at can you from there, but the...sorry, you can see that the pipes from the residential wastewater from businesses, they connect to those storm drains as well as the same pipe. So again, during large rain events those pipes exceed their capacity and the solution was, what happens is, to have them over top weirs. You see there is a weir located right at the outflow that goes in the river. And *(Inaudible)* we don't want to back up and flood our businesses and our homes, so what happens is that water just goes to the river and it carries wastewater and other contaminates therein...what goes down people's drains and down their toilets.

So that's what largely we're dealing with. Those overflow events during rain events that occur...see the capacity of these pipes...and by design, push that flow out into the rivers and for Evansville it is Pigeon Creek and the Ohio River.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: Yeah, we're still around, the numbers may have come down a tiny bit after pushing more fluvial plants now than we were a few years ago but we are still on average around 40 plus to 50 a year. So about 40 to 50 times a year this happens where we have our system overwhelmed with rain water and the wastewater and storm water flows into the Ohio River and Pigeon Creek.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: Yeah, it's about 2 billion. The initial estimates were about 3 billion and as Allen mentioned, we spent the last few months, you know, looking at the data from 2011. And again that data from 2011, we had monitors in the system trying to give us a sense of how the system operates and use those flow monitors in the system to develop a computer model which lets you simulate your system. You look at that and use that to help to design your solutions to fix the problem. As Allen mentioned, in 2011 we were gathering that data, it was the wettest year in Evansville's history so those pipes were largely full. The ground was saturated. We thought it was over predicting how much water Evansville usually deals with in a typical year and it turns out I think we were right. As you'll see, those numbers that we initially estimated at 3 plus billion a year overflowing, it's now around 2 billion gallons a year. Yeah, so it's come down a bit. Activation wise though, as far as how many times a year that happens is about the same. Just the volumes are less, if that makes sense.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: Well we'll get there but I think their idea is probably a little less than that to be honest. We'll show you where we are and where we think they may want us to be.

I mentioned this is a challenge. Not just for Evansville, it's a national challenge; it's certainly a state-wide challenge and cities all across the country are going through these same issue (*Inaudible*) regulators to deal with these issues.

The Consent Decree itself, you may recall Evansville was sued by EPA and the Department of Justice back in 2009. And through years of discussion with those folks, ultimately they decided to file suit. When they filed suit they were demanding that we have six months to develop a plan and then build it within ten years. Our answer at the time was, "No, we can't do that". It's just too short of time to develop a plan that make sense and ten years to build a large program is too costly for us. Our rates would have to be steeper than we wanted them to be. We needed more time so we litigated with those folks and really wasted about a year with them and now we have a decree in place that gives us...gave us roughly two plus years to develop a plan and 20 or 20 plus years to implement the plan, and we'll talk about that schedule that we are proposing in a little bit.

Again, that deal was struck on November 20th of 2010; the court approved that in June of 2011, so at that point, the plans is in place. The decree itself did not really prejudge what our plan should look like, it just said, you know, "You shall take these steps...and then go develop a plan", so go do all the analysis that needs to happen then go develop a plan that deals with both separate sanitary overflows and combined sewer overflows. That's what's been happening since that time is developing that plan and finalizing what that plan is. (*Inaudible*) these details, additionally along with developing the plan itself, Allen mentioned the new deadline is now at the end of this month, May 31st of this month.

They are also (*Inaudible*) to do two supplemental environmental projects, which brought sewers in the two neighborhoods that were on failing septic. Those projects are complete; maybe some clean-up work happening for landscaping but largely those projects are complete. Those folks now have sewers in their neighborhoods.

The hook of course is when you agree to this stuff and you really have to do because if you don't do it there are fines and penalties attached. They hold the cards, they have the gun to your head, they say go do it and if you don't do it there are fines and penalties that are levied upon cities that refuse not to take those steps. Fortunately, we haven't had those so far. We are going about our business and developing the plan.

So again, it requires Evansville to develop a long-term plan, make significant upgrades to the sewer system itself, addressing combined sewer overflows and separate sanitary overflows, using green, sustainable solutions where possible, and also improve some of Evansville's operation and maintenance activities, a more robust and aggressive televising of sewer lines to hopefully find problems before they happen, a more robust an aggressive cleaning schedule so we are hopefully avoiding back-ups before they happen by cleaning the line before a blockage occurs, and there is a lot of working with Allen's folks to go out and be aggressive about being pro-active and fix those problems before they become bigger and more costly problems.

A brief overview of itself. A lot of you know, I'm sure, that we have two wastewater treatment plants, one on the east side and one on the west side so we call the East Plant and West Plant, we are smart that way. The East Plant capacity is about 26 million gallons per day they can treat during wet weather flow. The West Plant, we have a biological filter that that went into place and started working back in 2009. That took capacity there from 24 or so million gallons a day up to 37 now. When it rains those plants are maxed out and treat as much flow as they can, and that's about as much as it can treat right now: 26 million gallons on the east side; about 37 million gallons a day on the west side.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: Sure.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: Well it doesn't take much. It takes probably less than a half inch for CSOs to be tripping and be active, so it doesn't take much rain here for us to be seeing CSOs happen. Dry weather flow at the plants is roughly, between both plants combined, is roughly maybe 10 to 15 million gallons a day. Wet weather flow, we are sometimes pegging out, depend on the size of the rainfall, at these numbers.

So there is a large...one challenge is there is quite a large gap between what you treat day in and day out when it's not raining and maintaining your plant, then having to ramp up quickly when the rain hits and you are suddenly going from potentially, you know, seven or eight million gallons a day to 26 or 37. It's a big jump in trying to maintain those assets and having it ready is can be difficult.

It's one challenge as well, the EPA often wants communities to build bigger plants; just build bigger plants and treat more flow. It's expensive to do that for one but secondly it's hard to manage assets and have the biology be there for you to go from say 10 or 7 million gallons a day to 30 or 40 or 50. The technology just ramped up that quickly is difficult to manage and difficult to maintain, frankly.

The collection system itself is about 800 miles of sewers. About 60% of that is a combined sewer system; about 40% is the separate sanitary system. You see that 800 is divided about half-and-half between the east and west systems. The systems really do act sort of differently...we have...or separately. You have an east plant and a west plant. We have systems that flow to both those plants and they don't really intermingle. They really are separate systems in lots of ways.

There are nine lift stations in the system as well and those are stations that they do exactly that, they lift sewage so it goes in the flow by gravity. Of course, it's always cheaper to flow things by gravity. The lift station lifts the flow and lets it flow back down hill to the plant and there are nine of those in the system, which is a fairly high amount for the size of the City, frankly.

Outfalls, there are 22 outfalls...we'll have a map in a second. I think Paul has a map so he can show where those outfalls are located. John you asked the questions about 2 billion gallons that flows out of our system into rivers and streams today. We are...as I said, it doesn't take much rain at all for that to happen, about 1/10 of an inch we have on the slide here and that's probably

about right. Right now we are capturing about 35% of the total wet weather flow. You'll see in a minute, EPA's range for this is somewhere between 75% to 100%. So today as we start out we are at 35% so it's a pretty large gap to get to where they want you to be as far as capturing weather flow and limiting and reducing some of those overflows.

Again, about 50 days a year, 40 to 50 days a year, we have these activations happening where those sewers, those combined sewers are dumping flow into the Ohio River and Pigeon Creek and you see these Bee Sloughs there. Bee Slough, in some ways, is considered as separate, receiving water that really all that flow is right in the Ohio River so those two really act together.

It's not a very big map, and we have another one here you can look at. You can see though the dots where the outfalls are along the Ohio River and Pigeon Creek. You can also see different shading there. The green and the purple shading you see on the outskirts of the City, that's a separate sanitary system. Both east and west parts have a separate sanitary system. So those sewers, by design, should only be carrying wastewater. The pink and the sort of orange that you see there is the combined system, east and west, and that's where we have, by design, pipes that carry both storm water and wastewater. They fill up and overflow and you can see where the outfalls are: 22 outfalls that are dotted around the City, on the Ohio River and Pigeon Creek as well.

So those are the targets that we are trying to address and figuring out ways to, you know, capture that flow, treat more flow, hold more flow in the system and not have it immediately just dump into the Ohio River and Pigeon Creek.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: It will not, and we'll talk in a minute about the solution. There is a slide in the deck that I think mentions this. We cannot afford to capture all this flow. There are still going to be some days during...there is always going to be a bigger rain event, right? We'll build our system to capture something when that next big rain event happens. You just really can't afford to...it's like build a church for Easter Sunday. You can't sort of build your sewer to capture every single rain event, you just can't afford to. It's just not really practical *(Inaudible)* either, you're going to spend more money than you want to.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: Yeah, there are parts where storm water, as it is today, there are parts of the storm water system that will still flow to the rivers and creeks. We are trying to address those areas where the pipes carry both the storm water and the wastewater and find better ways to get that wastewater to the plant and get the storm water out of those pipes, if that makes sense.

Unidentified Speaker: *(Inaudible)*

Jim Gerard: Yeah, I think all of Evansville's outfalls flow...are through the levee, which is a challenge because you're often trying to build these solutions at or near the outfall under the levee, which is not always easy to do. The levee doesn't like you digging around their levee as well so there are some challenges. So all of our outfalls flow through the levee wall essentially, which is a compounding factor that things a little more difficult here than maybe elsewhere.

Councilman Adams: Jim, just so...I want to make sure I understand this. The green and the gray are already separated, east and west of...

Jim Gerard: *(Off Mic)* The east is a separate *(Inaudible)*. All this flow, the challenge *(Inaudible)* all this flow *(Inaudible)*

That was one of the things when we were proposing *(Inaudible)*...*(On Mic)*...it's not simple. All this stuff is hydraulically linked and we don't want to sort of overbuild and overbuild assets in the combined system...

Councilman Adams: So the...

Councilman O'Daniel: Potentially we will have *(Inaudible - Off Mic)*

Unidentified Speaker: *(Inaudible)*

Councilman Adams: So once you separate the pink and the tan areas, the whole system will be separated, or as best you can.

Jim Gerard: Well, right. This is a combined system *(Inaudible)*. There are some parts of the plan that will have some sewer separation but that's not going to be the only solution. There will be a lot of storage. Let's store that flow or treat it though a wetland because if you separate every sewer in your system it would just be incredibly expensive. Probably 800, 900 million dollars to do that. It's just not a very affordable or effective solution and you'd tear up almost every street in that combined area to do that work. So probably disruptive and *(Inaudible)* expensive to do that work so that's why cities typically don't take that approach. If it makes sense, some places you do it. In fact in a southeast side project there was a sewer separation that went on there because it made sense but we just can't afford to separate the entire system, it's just way too expensive.

Some of the planning challenges, and we hit on a couple of them. But first I think it's important for everyone to know that this is not something we just decided to do one day. It's a federal mandate that you do this so it's not sort of, you know, if we are going to fix this system. This thing...this has to be fixed. There is a federal mandate here that says, "You shall do this". The Clean Water Act says, "This shall be done". So this is work that has to get done. It's just a matter of how we do it and over what period of time we make these fixes. Again, the federal CSO itself, so what they say and what their targets are, somewhere between 75% and 100% capture. Again, we are at about 35 right now. Zero to 12 days of activation; we are at 50 or so now. *(Inaudible)* twelve is the range of CSO policy so I can I tell you EPA typically pushes folks to single digits. They want you eight, four, they want a lesser number than twelve. Maybe a few cities have an agreement of 12 but most of them are single digits and that's a challenge, it's expensive.

All this is targeted toward a typical year. Councilman Lindsey asked about what will happen down the road. The typical year here in Evansville is the year 2000, sort of a typical rain event year for us so that's the year that we are using as our model and our base to size these solutions. But knowing that there are going to be some rain events that over...that you can't build for, that will oversize, essentially, our system.

So I just want to make sure everyone understands, this will go a long way to reducing overflows; they are going to come down dramatically over time. We'll make significant improvements but we aren't going to eliminate them. There are still going to be some overflows during summer rain events that are just going to be too big for us to handle.

It says here if we try to capture everything, 100% capture, it's like trying to capture 3.5" of rain in a 24 hour period. That's a huge rain event. You just simply can't afford to build a system that size to get that kind of flow. The peaks are so high with that kind of flow, it just hits you so quickly, you really can't afford to build a system that would eliminate all of the *(Inaudible)*.

Some of the challenges: We have some large CSO volumes here. I think you'll see in a second our volumes are comparable to big cities. Certainly we aren't, on a scale wise, with *(Inaudible)* cities our size with how much volume we are doing with two billion gallons; that's a lot of gallons to deal with on the combined sewer side.

Bee Slough, we'll talk about that. *(Inaudible)* unique characteristics. I talked to you a second ago about the levee and the river impacts, they are significant in the system. And then we have a separate sanitary sewer overflow as well so there are certain parts of the City where we know we have some capacity issues and some bottlenecks in the separate system that need to be fixed as well. It's one thing to have combined sewer flowing to the river, it's a very different thing to have sanitary sewers backing up, overflowing. Those are bad. Those are *(Inaudible)*. Those are strictly prohibited by the clean water act. The EPA is very excited about making sure those issues are fixed.

Councilwoman Brinkerhoff-Riley: How does that separate sanitary sewer overflow...how did that occur? Because like I can picture how the combined happened in terms of...how does the separate...how does that happen?

Jim Gerard: It can happen through a variety of ways. Sometimes they happen just through blockages. Roots are growing into the system. There are maintenance issues. We can deal with those but overtime, roots infiltrate the system, grease gets in, blockages can occur, breakages of the lines can occur. Those things can happen but those largely get dealt with outside this program through maintenance activities, and as I mentioned earlier, more aggressive *(Inaudible)* activities that the Utility is taking now to find those and fix them before they become bigger problems.

What *(Inaudible)* is really talking about is sort of pipes that weren't sized properly to begin with or there are bottlenecks perhaps, or you have rainwater that gets in the system to a level that it shouldn't be getting in. People that have sump pumps and drains from their...roof drains connected to the system can overwhelm it. Those are prohibited by ordinance and should not be happening. Any number of ways but those are the common ways where *(Inaudible)* back up the sewer. So essentially rainwater gets in that separate sanitary line, and those lines are much smaller than the combined lines. It doesn't take much rainwater to fill those up and cause back-ups. And those need to be addressed as well.

The volumes I mentioned a second ago, about two billion gallons a year for Evansville. You can see where Ft. Wayne is, South Bend, even Louisville is, you know, obviously a much larger metropolitan area and city than Evansville and they are at four billion gallons so two billion gallons for Evansville is a sizable amount of flow to be dealing with and trying to capture.

Unfortunately the (*Inaudible*) amount of flow and a problem, sort of a big city problem with a small city rate base and small city ability to pay. So that's a challenge and likely is going to be one of the gaps we end of having with this final plan between where we are and what we can think we can afford, and what the EPA wants and they are going to have us try to afford.

Bee Slough. There are three large outfalls on Bee Slough. Bee Slough sort of works as...when the river comes up, it sort of pushes flow or holds flow back in the slough. It holds both storm water that flows into there, it holds combined sewer overflows from these three very large outfalls. It holds plant effluent so that the water that gets treated on our plant on the east side that normally goes to the river gets pushed back and held in Bee Slough. The levee pumping stations control all of that, they have one goal in life, and that is to protect the City from flooding. It takes quite a bit of water to build up in Bee Slough before their pumps kick on and start pushing that flow out. It's really a unique situation. I can say when the EPA came to town just to walk around and look and see what we had here and check out the plants and kick the tires on what we were doing and they saw Bee Slough there, they just couldn't believe it. They said, "That's just an open sewer, isn't it?" Yeah. It really is. That needs to be addressed and we'll talk in a minute about how it's going to happen. (*Inaudible*) it's an eye sore, it's a health risk. (*Inaudible*) about 70% of the total CSO volume, again, so we are going to have about two billion gallons a year that flows in to our rivers and streams. About 70% of the total volume that is discharged in the Ohio River comes from Bee Slough, so these are large, high capacity, high volume outfalls to deal with.

(*Inaudible*) solution so it's likely the solution we're proposing deals with almost all those overflows in a typical year. It's a lot of volume. Those outfalls also flow into a part of the Ohio River that is right upstream of Dress Plaza and what has been designated as a sensitive area where there is recreation going on. So the EPA wants us to deal with those to a higher level to help clean up that part of the river and stream for recreation.

I mentioned the river...levee impacts. I mentioned the CSOs discharged through the levee, that's a challenge. Pigeon Creek flows into the Ohio River, obviously, so when that river is up it backs that flow into the Ohio River. When the Ohio River is up (*Inaudible*) to Bee Slough, it sort backs up flow but it also tends to mostly back up most of Evansville's systems. A lot of their system is impacted in a tremendous way by the river. When the river is up, the outfalls do not flow as freely as they would, things just start to back up and we end up holding a lot of water during rain events and during periods of high river elevation and that eats up capacity. So some of the capacity you have in some of those pipes, if it, you know, starts raining for example and the river is up, they are already full of backed up river water, essentially, so that capacity is being consumed by river water in some cases, which (*Inaudible*) proposing, one option is to let us control when we pump the water out of our east plant and Bee Slough. Let us help control some of that flow to get it out quicker and sooner. It would also help Bee Slough not hold water quite so long. It sits there and tends to stagnate and stink at Bee Slough today.

I hit most of these already. Suffice it to say that the levee and the river are a unique challenge for Evansville.

Planning itself. And again, what we are really talking about here are two capital plans that become merged together. We have a plan to deal with the CSO issue and the separate sanitary issue. And again, it makes sense. I think it's prudent to do that because they are all connected hydraulically. But (*Inaudible*) what we are talking about are two separate plans: the CSO control

plan and the separate sanitary sewer remedial plan to deal with some of those bottleneck issues that we just talked about. I think putting those together and sort of planning those together, funding them together...you know initially was pushing us to have sort of two parallel tracks, you know, at the same time go fix your CSO issue, go fix your SSO issue, and cost wise (*Inaudible*), they didn't really care. I think our view was we had to look at our entire system together, look at it collectively, both the separate system and the combined system. We only have one pot of money here so we need to apportion those funds appropriately, and not (*Inaudible*) potentially overspending on one or the other before we really understand how they impact each other. So (*Inaudible*) an integrated approach, looking at both the separate system and the combined systems and integrating those plans together so we ask for one funding stream, one burden when it comes to ratepayers and funding projects. (*Inaudible*) what those projects are in one large, comprehensive plan instead of two parallel tracks going on.

Some of the planning goals: Addressing Bee Slough obviously is our priority. Bee Slough needs to be cleaned up and dealt with much differently than it is today. Maximizing our current pipes, we've already spent money on those pipes once. There's capacity out there; we need to take advantage of it before we start building new stuff and that means a couple of things. I think it means potentially using green infrastructure to try and pull some of that clear water out of the system before it gets into the system. If you can prevent it from getting in there first place its just money you are ahead, essentially.

Unidentified Speaker (*Inaudible*)

Jim Gerard: Well the Back 40 I think is one example. There is a significant amount of...that's just a large, you know, black, impervious surface essentially that rain hits and just is going right into our combined system. With some of the work that Mike did to help, as that parking lot was being redone, put some rain gardens in to help capture some of that flow, it's just cheaper than building a new pipe essentially, cheaper than building a new oversized pipe. If you can do something to the surface to capture that flow, that rainwater, redirect it, keep it out of your pipes to begin with, you've sort of bought yourself some capacity and typically it's cheaper capacity than building a new pipe underground. So rain gardens, pervious sidewalk, pervious pavement, all those things can make a meaningful difference. And there is always sort of a rub, you know, doing storage and pipes, versus green, because the storage and pipes are easy to measure, right? The EPA likes that. You can usually measure...I have a five million gallon storage tank that's going to hold five million gallons; you can sort of know that. The green infrastructure, you know, it's sometimes hard to measure the benefits, but it can be done. It's important for us, I think, to try and incorporate these solutions.

Unidentified Speaker (*Inaudible*)

Jim Gerard: Well I'll let, I guess the others can weigh in on that but it can be a challenge. Other cities that have dealt with these issues looked at their ordinances, looked at revisions to try and encourage...you don't have to use a hammer, you can use a carrot as well to incentivize folks to take steps as they are building or redeveloping areas to be green about it and help get that water out of the system.

Allen Mounts: John, as part of the plan, we specifically look at green infrastructure so there has been a team that's really looked across the board at all ordinances and started to map out where the opportunities are going forward. So that will be part of our To Do list, if you will, that would

result in coming back to the Council with some recommended changes to the ordinances to help use that green infrastructure and also to keep storm water out of our system, so more to come on that but it is very much part of the plan.

Jim Gerard: Additionally optimizing the Pigeon Creek sewer main, there is a large sewer line under *(Inaudible – Off Mic)*...captures a lot of flow in that area. It's sort of the main line on the west side of the system that carries a bunch of flow to the plant, Seventh Avenue Lift Station and other plants. We have a similar contract now and done work already to trying to optimize how that flows, and how it works with the plant and the larger lift station that gives flow to that plant. It's really a key cog I think in the system as well. The other thing, Pigeon Creek interceptor has about this much sediment I think in the bottom of it so there is capacity sitting there that is being consumed by just sediment over the years that's sort of settled-out and just eating capacity that could be used to push flow.

I mentioned they're pumping at the West plant as well which ties in sort of with the Seventh Avenue issue, trying to get rainwater out of the sewer before it gets in and then, you know, right sizing our CSO controls, trying to make sure that we are doing all we can to get that flow out of the system before we start building and investing in new infrastructure. Again, keep that flow out, use the right size and *(Inaudible)* downsize some of your new pipes and storage basins.

(Inaudible) findings and proposed solutions. I mentioned the Pigeon Creek sewer main, optimizing how that operates with the system, using green infrastructure as aggressively as we can, some sewer separations in some parts of the City are going to make sense. There'll be some CSO storage out there as well so there'll be some places well put...there'll be storage tank or storage basins that are built to sort of, when it rains, captures the flow, hold this until the rain stops and the sewers drain. You can then pump it to the plant and treat it. It's a pretty common solution in these scenarios. It sounds simple and it kind of is but it's not always cheap and it can be difficult finding locations to put those places as well.

Some remote treatments as well...there are a couple of CSOs in particular. The one on Diamond Avenue in particular over there, there is a lot of flow and it's not very close to the plant and trying to capture a lot of that flow and building a pipe big enough to get it to the plant really isn't feasible or cost effective at all. So in some locations there'll be some remote treatment where the flow will go out through the device that does some primary treatment and screening, *(Inaudible)* and then that flow will go to the river. Again, those will be for the large storm events but they are just...the volume is so large there is no way to capture that flow and hold it and treat it effectively.

The separate sanitary system, I mentioned addressing that as well. Ionized infiltration...so trying to make sure water...clear water stays out of that separate sanitary system.

So specifically on the eastside as well, for the eastside solutions, we have more detail in a second about Bee Slough, but expanding the treatment capacity of the treatment plant so it allows it capture and treat more flow, a wetland solution for Bee Slough that we'll talk about and show you some renderings in a second.

Downtown, there are some downtown CSOs that will probably be a combination of storage, anchoring infrastructure to try to deal with the downtown CSOs.

So one CSO on the eastside is on Pigeon Creek and there'll be a storage component to that to deal with capturing that flow through storage, and as I said, (*Inaudible*) the plant and treating it.

The separate sanitary system...the theme is pretty consistent. It's dealing with inflow and infiltration and addressing some of the known bottlenecks and troubled areas in the separate sanitary system.

Bee Slough...why a wetland? Paul you want to...I'll let Paul Amico talk about this but the solution I think has been proposed for a few years, the neighborhood was engaged in this process for a while, we talked to them as well. The wetland approach really lets us capture a lot a flow and sort of treat in naturally, so you can sort of capture that flow, push it into the wetland treatment system without using a chemical process. You can naturally treat that flow.

Paul, you want to talk about sort of how that will work and...

Paul Amico: Sure, thanks. Hi again, I'm Paul Amico. I work at CH2MHILL®, the engineering consultant that's been leading the development of the plan. Within traditional wastewater treatment, what occurs at the two plants, we take a natural process of digesting waste, accelerate it, put it in concrete tanks, blow air into it, and take what a wetland would do in say over days and days and days and we concentrate it into hours. So that's essentially what we are doing with the wetland; it's a big holding tank with natural processes and plants that help take up the waste. There are a lot of, as I said, natural processes that occur on a natural scale versus a concentrated time scale. Between the plants and the soil matrix, we have processes that digest the waste and also take up nutrients as well because wastewater has nitrogen and phosphorus and other things like that in it. Also there is some natural disinfection that occurs because it's a large pond or a large lagoon so you do get some disinfection of the pathogens, which is really what we are trying to go after when we treat wastewater or capture CSOs. And then as we said here, it uses no chemicals, no residuals other than the water we discharge. The wastewater has solids that are present in it, that settles out and then it's digested by the plant material and other natural organisms that are there.

A lot of questions that we get when we start talking about wetlands have to do with pests, mosquitos, and other things. This will be managed. We, as engineers, have been using wetlands for going on 30 years now. There's been a lot of research done on wetlands for a variety of wastewater processes and this area that we know that neighbors get very, very concerned about and so a management plan will have to be developed and the wetland itself will have to be monitored and any potential pests or vectors that occur in the wetland will be taken care of.

Unidentified Speaker (*Inaudible*)

Paul Amico: Yeah, one of the things that...I can answer some...I'll answer some specific questions about how the system works but the first thing we are going to do is screen that wastewater. The wastewater itself is going to be screened just as though it were going into the wastewater treatment plant. We've been very, very focused on that so that we get only very dilute water going in. And that's the problem with CSOs, with treating combined sewer overflows is you end up with a very dilute waste stream at very high volumes, whereas sewage is very concentrated at a smaller volume. When we get CSOs, it may be very...a lot less waste in it because it's been diluted; a lot of that has gone to the treatment plant already, but a lot of water. So a wetland is actually a very, very good system to be able to treat that waste.

Councilman O'Daniel: How is that created? I mean is it excavated and plants planted in there or do you, I mean...

Paul Amico: That's a good question. In this particular area...and I don't know if everybody can see this or not, we do have a slide that shows that. So this area, the green shading you see on your screen, this is the Veteran's Parkway and immediately south is *(Inaudible)* that is what the Levee Authority uses to pond water during very, very large rain events. So that area would be improved, and in this case, we have not anticipated or we've not planned for any excavation. It represents the worst-case scenario we would be faced with which is that the Corp of Engineers would not allow us to dig in that area. But what we'll do is we'll take off some dirt in that area and then put back a plastic membrane and a soil matrix that the plants would be planted in.

Unidentified Speaker *(Inaudible)*

Paul Amico: Exactly. So it would largely match the terrain that's out there in that location now but you would now see plants. *(Off Mic -Partially Inaudible)* And we have, on this particular *(Inaudible)*...we have a rendering for what this may look like. It's just a suggestion about what a wetland system would be anticipated to look like.

Unidentified Speaker *(Inaudible)*

Paul Amico: A portion of it would be removed. What we are essentially doing is...right now that concrete trough takes wastewater or combined sewer overflow the way down to the river. With the Southeast Side Sewer Separation project, the storm water from the southeast side is brought to that point and discharged into the slough. The portion upstream of that, which is all combined sewer overflow, will be captured by a pipe. *(Off Mic -Partially Inaudible)* We are proposing that it be buried so *(Inaudible)*

If you see out adjacent to the slough, that grassy area, you would just see a flat grassy area. It would be maintained just like the rest of the Levee Authority land.

Unidentified Speaker *(Inaudible)*

Paul Amico: Yeah, slough, that's the name. Slough means tidal, I mean it's influenced; it goes up and down with the river, and yes, it was most definitely a bottomland or a wetland.

It sort of shows you the where the plantings would be, where the wetland would be *(Inaudible)*.

Unidentified Speaker *(Inaudible)*

Paul Amico: In this area we currently plan for 43 million gallons, about 43 million gallons of storage in this area.

Unidentified Speaker *(Inaudible)*

Paul Amico: Twenty acres *(Inaudible)*

Unidentified Speaker *(Inaudible)*

Jim Gerard: It essentially deals with those...I mentioned those three large CSOs that are about 70% of the flow that go from the eastside to hit the Ohio River. It deals with all those outfalls, those overflows. Those are, during a typical year, there would be zero flow that goes out those outfalls because of this. We also would link this to the plant as well there can be the ability to have...it's right next to these treatment plants so an ability to have flow if the rains...if it's too high potentially or the flow needs some secondary treatment or needs to go to the plant, there would be a way to pump flow from the wetland to the plant as well and sort of use those assets together.

Unidentified Speaker (*Inaudible*)

Councilman McGinn: Wait a minute. Wetlands are beautiful. Some wetlands are absolutely beautiful...they're beautiful...you know.

Councilman O'Daniel: (*Inaudible*) the way of doing it but it's still...

Paul Amico: But this wastewater would be, again, it's going to be screened and of the really nasty, what we call the first flush, will go to the treatment plant. The water that you would see in here, it may be brown looking but it may look like (*Inaudible*)...

Unidentified Speaker (*Inaudible*)

Paul Amico:...more than it would sewage.

Unidentified Speaker (*Inaudible*)

Paul Amico & Jim Gerard: Right.

Jim Gerard: There would have to be some...

Unidentified Speaker (*Inaudible*)

Jim Gerard: Plants...yeah, there'd be some flow. You can use plant effluent actually to direct flow back in there to keep it wet.

Unidentified Speaker (*Inaudible*)

Paul Amico: Right, right. We thought a lot about this and located some of the major facilities to screen the wastewater and locate it next to the plant, (*Inaudible*) and manage that facility but the second this also is so we can interconnect that to the wastewater treatment plant and use either or both.

Unidentified Speaker (*Inaudible*)

Paul Amico: Tunnels need length to get volume. You need...so in the picture in this...Allen always has a great analogy which is and water tank, an elevated water tank, is about half a million gallons so this will hold about 80 of those water tanks. In Indianapolis' system, then need...that system is 250 million gallons of volume I believe. I think it's 250, not 25 million, 250 so they need length. That is 25 miles long, that tunnel system. We don't have 25 miles.

Unidentified Speaker *(Inaudible)*

Paul Amico: Furthermore, the storage requirement here, even though we have two billion gallons of overflow, the store requirement is much less than what Indianapolis has with seven billion.

Unidentified Speaker *(Inaudible)*

Paul Amico: And it's very expensive, right.

Vice President Adams: Well the sewer system that you're suggesting, if you took 100 milliliters of effluent, how long would it take for the bacteria to basically clean it up?

Paul Amico: For bacteria?

Vice President Adams: Ecoli, giardia...

Paul Amico: For bac...for disinfection in this case, we sized the disinfection facility to get fifteen minutes of contact time with hydrochloride. So there would...even though with the wetland, we can expect some pathogen reduction as result of the wetland just sitting out and being exposed to sunlight. We actually are going to provide a disinfection facility with the wastewater discharging from the wetland to go through, *(Inaudible)* disinfectant, *(Inaudible)*, just like it is at the wastewater facility.

Vice President Adams: At a later point when you can put it out into the river?

Paul Amico: Correct.

Councilman McGinn: From the wetland to the hydrochlorine... *(Inaudible)*

Paul Amico: Absolutely.

Councilman McGinn: It keeps the plants a little healthier this way

Paul Amico: Absolutely, absolutely. Yeah, we would want to avoid disinfecting prior to...you can but you have to do some other management *(Inaudible)*.

Allen Mounts: I think there are some real esthetic value pluses with this as well. Typically these are...they're amenities. They can be an amenity. Wild life...attracts birds, school tours, the Greenway is proposed to go along the same area as well so there are some benefits to that approach.

The EPA has actually proposed to us, you know, "Why screw with this wetland system? Why don't you just build a big storage tank?" The answer is it's ugly, it's smelly and we don't want to do that. This is a much better approach for a major artery *(Inaudible)* that flows into Evansville.

Councilman McGinn: Well these things...I mean you have these geometric canals, I mean those will fill in with lily pads and cattails and bulrushes and...I mean, do they have to be straight like that? Can you meander them just a little?

Paul Amico: Yeah... *(Inaudible)*

(Laughter)

Councilman McGinn: Thank you!

Paul Amico:...because it was easier for me to tell my graphics person; just make it straight.

Councilman McGinn: Alright, good. Keep meandering. Keep it in mind. Thanks.

Jim Gerard: Let's talk for a second about dollars and cents and *(Inaudible)* capability. Sewer rates...there's really, as *(Inaudible)* mentioned, there is really very little if any, at this point, federal money out there to fund these programs. The State has some loan programs, SRF loan, which I'm sure you're all familiar with. So when it grants and for free money for this work, there just isn't much out there so it falls upon the sewer ratepayers to fund these programs. It's not just in Evansville. It's...fortunately it's everywhere.

That's the reality of the situation. A few years ago there were even some earmarks coming back from districts to do some work. That's largely gone away. There isn't a lot of federal money to help fund this federal mandate, which isn't a surprise I suppose. It falls upon local government and ratepayers to figure out how to pay for these programs. Obviously, Evansville will be aggressive and have been doing so but there's just not much out there when it comes to grant money.

You can see the current average in-city rates right there. The screen is based upon almost...a little over 3800 gallons of water usage a month. For in-city customers it's \$26.30 per month right now and for out-of-city customers it's \$35.50 a month.

One thing of note is the existing debt that's on the books to fund most of the Southeast Side Projects and the upgrades to the West Plant, that roughly 12 million dollars in debt falls off the books you can see completely in July 31st of 2031. That frees up a fairly significant amount of capacity to fund projects here, which is one reason why we are proposing, in part, a program that's longer 20 years. We want to take advantage of that debt falling off the books to fund projects in some of the *(Inaudible)* years. It's a sizable chunk of money that falls off the books.

Some of your cost components to deal with here...it's not just the IOCD costs, which you see there. Obviously, there are regular on-going costs as well, the cost of just running...running the Utility...keeping the lights on, keeping sewers clean. We mentioned the Utility is being more proactive and aggressive now by cleaning sewers and identifying problems before they happen. Those things aren't cheap. We've also tried to assume in our cost model and our rate models some realistic mean household income numbers, growth numbers, CPI adjustments, so we try to make this a reasonable, realistic look at what this is going to cost Evansville and the ratepayers.

(Inaudible) policy also makes clear that financial health is a component. You know, the EPA should look and take into consideration the financial health of the community. You know,

what's the current wage for folks living in Evansville? What's the health of the community? What's the unemployment rate? How healthy is the City itself; the Utility itself? All those factors come into play but their practice has been, so far in Evansville I would say and also elsewhere, they want you spend as much as you can spend. They push you to the upper limit of what they want you to spend and controlling rates and costs or sort of not their problem. So it's a challenge talking to those folks and to get through to them, you know, that Evansville and other communities, frankly, don't want to spend to a level that prices us out business essentially. We don't want to drive out residents, we don't want to drive out businesses. We've got to be reasonable in our approach with this, meaning that the little control that we are proposing has to be reasonable and that the time it takes to build this stuff has to be reasonable because the longer you have you can flatten out those rate curves and rate impacts as well.

I mentioned here that the U.S. Conference of Mayors has been pretty aggressive about trying to press for some real change in how the EPA deals with communities. I think the EPA is listening but we'll see if it's taking traction yet.

Unidentified Speaker (*Inaudible*)

Jim Gerard: Yeah, there is. Jeffersonville had 15 years, South Bend has 20 years, Fort Wayne had 20 years, and Indianapolis had 20 years. Twenty years typically has been their threshold, frankly. I think there are two communities that have more than 25 years right now: Kansas City and I think Scranton has one that's in the works that is more than 20 years. But largely, 20 years has been their threshold. But it takes some doing to get there, frankly. They often want 10 or 15 years.

Unidentified Speaker (*Inaudible*)

Jim Gerard: True. Competitive.

Unidentified Speaker (*Inaudible*)

Jim Gerard: Right.

Jim Gerard: It helps in all kinds of ways to spread this out, absolutely.

I've mentioned some of the challenges here. The EPA is likely going to push us; they want four. I meant they haven't...they have yet to sort of give us, despite all of the discussions Allen mentioned, all of the meetings, the reports, we really don't have back from them yet a, you know, yes to this and no to that, we like this, we don't like that, don't do this...we really have none of that feedback from them yet so we don't really know where they are. It seems pretty clear to all of us in the meetings that they're centering around four events per year for us. You see the cost of that's up to 800 million dollars. That's a lot of money and more than I think we think makes sense to spend.

Again they haven't come back yet to say definitively that's what they want but it just seemed all their questions, all the analysis they are seeking all seem to center around pushing Evansville to around four per year. You can see the cost of that.

TAPE CHANGE

Jim Gerard: *(Continued)* We mentioned the challenges before and think *(Inaudible)* your point John, Evansville is going to need more than 20 years to do this program. It just *(Inaudible)* less than that.

The IOCP itself...proposing a 28-year program with this. You can see the two sides of the *(Inaudible)* there; the CSO piece on the left and the Separate Sanitary, SSRMP, Separate Sanitary Remedial Measures Planned, we like acronyms I guess. So the CSO solution, you can see how it's broken out between east and west, is about 496 million. The separate sanitary issues in dealing with those bottlenecks and the known problems that we know that are out there is around 44 million. So you can see the total cost of the program over 20 years is 540 million.

The draft plan that was out last July, through the summer, was about 606 million over 30 years so we mentioned the time we took to try and reevaluate the system and get better flow data, when it wasn't the wettest year in Evansville's history, really has helped us bring the cost down by, you know, 60 plus million dollars, so it's made a meaningful difference taking that time to reevaluate the system.

You can see where it gets us as far as the regulatory sort of box goes. I mentioned their percent capture ranges, 75% to 100%; their activations are 12 to 0. Percent capture wise it's pretty good; 92% capture is pretty good. Indianapolis agreed to 97%, 98% capture. 92% is a pretty high level of control. Activations are tough though cause it's 12 activations per year. Again, I'm confident their going to push Evansville to go beyond 12 per year. They like to talk about days of recreation. Every day they can tick that number down, they believe that's an additional day of recreation that can happen on the waterways. But the question becomes, if you go from 12 to 4, is it worth, you know, 300 million dollars to do that? I think most people here would say, "No, that doesn't make any sense".

Unidentified Speaker *(Inaudible)*

Jim Gerard: Well the fines...the goal is at some point to have an agreement with those folks or have a court make us agree on something so there would be no fines, those residual or those that happen during certain times of the year. Evansville sort of went ahead and built their plan without at least some input for the end-date and I think there could be an opportunity for some early action projects we all agree on. They should probably start as soon as they can. But If Evansville *(Inaudible)*, we're *(Inaudible)* talking to you, we are going to build our plan, there certainly could be a risk that they wouldn't permit, and certainly the permits that authorize Evansville to run their wastewater system and operate their plants sort of tells you the *(Inaudible)* these outfalls do exist and sort of tells you what you can do with those outfalls. Those permits will not authorize those and technically could be in violation; they could come pursuant to some fines and penalties. But if the goal is, before you get that far down on a 20 or 30 year plan, some level of agreement would have to occur I think with EPA and IDEM, whether it is voluntarily through us talking or whether the court gets back involved.

Unidentified Speaker *(Inaudible)*

Jim Gerard: It's four on most waterways and there are two waterfalls, I believe, one or two *(Inaudible)* have two per year.

Unidentified Speaker *(Inaudible)*

Jim Gerard: Yeah. Paul, do you remember? I don't recall what Ft. Wayne's numbers are, or South Bend. South Bend's I think are yet to be determined. They sort of have projects they are building that they'll reevaluate after they build those projects. They don't have a real number in place yet.

Councilman Adams: Part of the problem is they are not fighting the river.

Paul Amico: Louisville, the next major city upstream, is 8 to 12.

Councilman McGinn: 8 to 12 CSO events a year.

Unidentified Speaker (*Inaudible*)

Jim Gerard: That's a good segue. It is a difference. In our view we think it is a difference. There is a slide in the stack that talks about the water quality benefits of this program because again, part of our goal here is improving water quality. We've done a lot of sampling and modeling and monitoring of the rivers upstream of Evansville, obviously they're contaminated when they get here. There are pollutants and bacteria in Pigeon Creek and the Ohio River before it even gets here. So we took a look at...if you model that and sort of plot our CSOs, what impact does that have on those waterways? Once you go beyond 12 events per year, almost zero. You get no additional days of recreation. You get a very marginal improvement in water quality, if any, so it's a clear, sort of (*Inaudible*) of a cost benefit curve right at 12. Beyond that it's almost a straight line as a cost curve where you're spending money and not getting really much of a water quality benefit at all.

Again, it's very reasonable that you would...if that's the case and 12 makes sense, the EPA doesn't see it that way. Their view is going to be...they told us as much as we presented our quality data, "We understand your results, and we don't disagree with them. Which just don't agree with the conclusion you're reaching...you shouldn't go beyond that". Their view is if you can spend more money and get additional days of recreation or get that number from 12 to 8 to 7, that's money well spent. That will be...I think the question is that really money well spent or not? That's what the fight will potentially be about.

Unidentified Speaker (*Inaudible*)

Jim Gerard: I don't know. I don't know yet. Again, we've gotten no real concrete feedback from them though I think our sense is, we are going to have a gap from this plan and what they are going to want to see. The question will be how this gets resolved.

Let's skip over that slide. Twenty-eight years...there is sort of an initial 20-year period here and then a sort of additional eight years. Part of that is because the decree says, "Develop a 20-year program and if you can justify more time, an additional five years, then justify it". We need to present them at least a 20-year phase and then additional work beyond that.

Having sort of that long period lets us do some work up front. You know, do some Bee Slough work, do work with some remote treatment, do some storage and containment and see how it operates, you know, have some time with that infrastructure in place operating so you can right size the next round of projects, take advantage of what you've already invested. I mean our computer models are pretty good and they're great but they aren't 100% accurate so a longer

period lets us make some initial investments, see how those react, see how they're behaving. Are we capturing as much flow as we thought we would? If so, great or If not, we'll adjust things, but let's use...sort of, you know, not build everything all at once and spread things out and sort of reassess and reevaluate where you are with your program before you build that next round of projects.

So the first 20 years looks like this: Bee Slough improvements, 150 million. That's a large, it's a significantly large project. You might think we are just building a wetland and why does that cost so much. There are pump stations there; it's a lot of flow. The wetland itself is what...

Unidentified Speaker: Twelve million.

Jim Gerard:...12 or so? It's the pipes and the pump stations and moving all that flow around that costs so much with that project. Actually the wetland itself isn't that expensive, it's all the other work that comes around that.

The Westside (*Inaudible*) project, just under 100 million. Some sewer separation work on the system, that's around 28 million. Some green infrastructure projects, you see they're around 21 million. Some of the separate sanitary work amounts to about 44 million and then wastewater treatment plant upgrades and modifications that total about 31 million. So you can see the first 20 years we are at about 373 million. And what that gets you at that point is about 70% capture so we've gone from about 35% capture to maybe roughly 70% capture but we are still having the same number of activations because some outfalls just don't get touched. That first 20 years there are just some outfalls that the volume isn't that high, what flows through them, but it doesn't take much rain for them to start activating. So even when the volumes are low we are still have those outfalls trip during (*Inaudible*).

Unidentified Speaker (*Inaudible*)

Jim Gerard: No, they're...

Unidentified Speaker (*Inaudible*)

Jim Gerard: Yeah, I'll get to that in a second as well. I think the initial look is maybe roughly 25 million in capital work over the next couple of years. Now not all of that is IOCP work. Some of that is other capital work that has to happen so there are other things, investments that need to be made in the system so I think the first round probably of funding is around 25 million in capital work. Is that about the same number we've been discussing?

Allen Mounts: That's correct. And the 25 million will be for the long-range control plan but that's primarily around engineering work, all the planning that we need for those (*Inaudible*) eight or nine where you have some pretty heavy capital requirements there. Once you begin the construction (*Inaudible*)

Unidentified Speaker (*Inaudible*)

Jim Gerard: Right.

Unidentified Speaker (*Inaudible*)

Jim Gerard: Yeah, good. We tried to factor in our rate model and our financial model. I think we used...I don't remember what we settled on, it was...initially we were pretty aggressive with the EPA push-backs, you know, but if we tried to use numbers that were more realistic, sort of comparing what's happened in the last five or ten years, which is sort of what we are seeing today. We do factor in for 30 years (*Inaudible*) but I don't recall we plug into that model right now.

Allen Mounts: What the interest function is?

Jim Gerard: Yeah.

Allen Mounts: No, it would be sort of consistent with where the fund levels are...have been recently, and you're right, low cost capital makes it an opportunity to borrow today but it does have an impact on rate increases so trying to balance an appropriate rate increase, if you will, to fund what is really executable for the next three years. It's really the construction aspects that get into some heavy capital dollars, yeah.

Jim Gerard: Yeah, 3% or 3 ½% seems like what we settled on. I think we initially had 4 ½% or something and the EPA said that's too high and maybe so. I think we are at 3%, 3 ½%, I think is what we factored in.

Years 21 through 28, I mentioned the Seventh Avenue Lift Station earlier. It is a large, major lift station on the west side. It's a major (*Inaudible*) how that system operates. It's old, it's tired. There is essential rehab work that has to happen and ultimately that lift station needs a lot work to be where it should be as far as how it operates, having more control of how it operates, some redundancy in backup for that system as well. Again, almost all the flow that gets to the West Plant flows around or through that lift station. It is a key component.

Unidentified Speaker (*Inaudible*)

Jim Gerard: Potentially, yeah. And that is a good idea...a good thing to talk about. I mentioned earlier (*Inaudible*) trying to right-size things. You know, if you can do some green infrastructure early, do other things that hopefully will help right-size downtown storage. But it could be five million or a couple of 5 million gallon tanks potentially. Those would be underground somewhere downtown but they've got to be...again if you can spend some time up front in the first 20 years or so trying to get some flow out of the system it will help you down-size and right-size those storage tanks.

So again, 540 million over 28 years, you can see the percent capture and 12 days of activation. Again that 12 activation is right at that sort of bottom threshold of EPA's regulatory line, so again, I'm fairly confident they are going to come and push and press for more.

This is just the water quality slide I mentioned earlier that really going beyond 12 from a quality perspective doesn't really buy you much in Evansville.

Rate impacts...the way we put this together was really similar to how we did with the draft plan. If we take an approach to say we are not going to increase sewer rates beyond 2% of mean household income for in-city customers and sort of holding them there throughout the life of the plan. Two percent of mean household income is sort of a number that the CSO policy and EPA

refers to as anything beyond that is thought to be burdensome. Anything below that, I think they feel like you can spend more. So our approach in funding this was like if you take those rates of 2% of mean household income, elevate them over the course of, you know, seven or eight years to get to that point or even longer potentially, hold them there and then fund that program for the life of the program with those rates. What's that sort of get you? You can see with a 20-year plan, that lines up with our \$373 million for the first twenty years, and the additional 28 years...for the full plan, 28 years, about 540 million where we are, so that's sort of a threshold we are proposing. EPA is *(Inaudible)* with numbers. They won't look at the entire service area, they don't want us just to focus on the in-city customer, and they won't look at the mean household income for all the customers in the service area. Mean household income for in-city customers is around \$36,000 per year. If you factor in outside of the City rate payers, what their income is, it's about \$60,000 per year so it sort of bumps up that mean household income for the service area and we think in some ways artificially forecasts that you can afford more than you can inside the City. So our focus has been only on the in-city mean household income and not the service area or outside. Again, they will press that issue and say you've got to consider the entire service area but, you know, roughly 75% of the customers are in the city. There are some pockets of Evansville where folks aren't making much money, well below the poverty level, and so we are strapping them with, you know, if they have some piece of the out-of-City *(Inaudible)* doesn't seem realistic or fair to us so that's the approach you take in trying craft these rates. You can see what happens in 20 years for in-City rates; a little over \$85.00 a month. It's not cheap. For out-of-City, \$115.00 a month.

Over the course of...

Unidentified Speaker *(Inaudible)*

Jim Gerard: This is just sewer.

Unidentified Speaker *(Inaudible)*

Jim Gerard: Right, just sewer, exactly.

For 28 years you can see it's \$87.10 a month so a couple of bucks higher almost than the 20 year, and about \$117.00 for out-of-City. Again, that sort of doesn't seem *(Inaudible)* small because again the goal is sort of factoring CPI adjustments and some growth in household income, nevertheless, keeping those rates around 2% of mean household income. You can see what that does. I just talked a second ago about, you know, initial funding over the first few years. I think a potential rate increase would fund the first piece of this work plus the other work we've talked about, more aggressive O&M work, some non-planned capital work that has to happen, dealing with solids, for example, how we manage solids at the plants. There's apparently a sewer, the whole line that sort of carries solids from one plant to the other that's past its prime. We have digesters at the plants that need rehab. There is a lot of work that needs to happen outside, just the IOCP.

But for in-City rates, potentially increases at \$7.45 a month, for in-City customers for the first phase, about \$2.65 and \$2.85 beyond that for the first chunk of this to work going and moving and other work that needs to sort of happen as well.

So those are the rate increases that we've proposed and I think, you know, I would argue, as you mentioned John, money is pretty cheap right now. This stuff is going to have to happen at some point, you know, I wouldn't wait too long. And again, I think the potential for us, we know how to deal with EPA, have an agreement on some of the earlier projects. Indianapolis did it as well. We had about 400 million dollars in Indianapolis, early action projects.

We are still negotiating the final decree and plan but we had a posted list of projects we knew were going to be common to any plan. So let's start those projects. And again, I think the same thing could hold true here where we may not agree with whether it's 8 or 4 or 12 events for year, but potentially there are some early projects addressing some stuff at Bee Slough, some plan upgrades that would probably be common to any plan that you start working on, sooner than later when money is cheap, just to start these projects going, cause in some ways our clock is already ticking just to get these projects done.

Councilman O'Daniel: These rates, is that just the sewer side or is this water and sewer?

Jim Gerard: Just sewer.

Councilman O'Daniel: Just sewer. So you are looking at a \$170.00 bill?

Jim Gerard: Pardon me?

Councilman O'Daniel: A \$200.00 bill?

Jim Gerard: Between water and sewer?

Councilman O'Daniel: Water, sewer, refuse, in 20 years?

Jim Gerard: Refuse in now like \$11.00 a month, water...

Allen Mounts: The sewer will continue to out-pace the waterside because of the known projects that we have there. I think if you think about the age of the infrastructure that we have in place today and the work that is going to be needed...

Councilman O'Daniel: I mean I understand it's expensive but I just...I don't want people to look at this and say, "\$85.00, that's going to be my bill", that's just one side of the bill.

Jim Gerard: That's just the sewer piece of it.

Allen Mounts: Just sewer.

Councilman McGinn: Also in that vein of questions, this is on the minimum water usage, which was what, 3700 gallons a month?

Allen Mounts: It's actually...it's not the minimum water usage, it looking at the actual usage that's taking place in our customer base, so that's about the average.

Councilman McGinn: That's the average.

Allen Mounts: That's the average.

Councilman McGinn: Okay, all right.

Unidentified Speaker (*Inaudible*)

Allen Mounts: It's in excess of a 20% increase for the first year and I will tell you that these numbers are based on sewer rate analysis, a full blown sewer rate analysis, so it's not a back of the envelope calculation.

Unidentified Speaker (*Inaudible*)

Allen Mounts: It's more like...it's about 25 and then 8 or so for the other two years then. And again, that's funding 25 million dollars in IOCP capital but there are other capital projects that Jim was talking about that's included in that. I'll give you an example...many of you are aware that on the southeast side we have multiple phase projects, storm water separation projects, there is another almost seven million dollars that needs to be spent to finish up that project. You have the ongoing investments in the collection system and the treatment plan. What isn't always clear is also the additional work effort that is required by the Consent Decree for the maintenance and operational activities is a fairly large number. So, you start adding those up together and it becomes rather expensive.

Councilwoman Mosby: I understand these projects have to be done but I don't see how my ward is going to be able to afford this.

Allen Mounts: It's a...and I hear that and I understand that and that's why when you look at what the EPA would probably ask us to do and what we think is doable and approvable, we are fighting hard for the most affordable plan but given that it's a federal mandate, we're...our hands are going to be tied.

Councilwoman Mosby: And you are having public meetings on this, correct?

Allen Mounts: Ahuh, right.

Councilwoman Mosby: And I know this Thursday night it's at Fairlawn, which is in the Second Ward, so I'm encouraging my constituents to please come out to that.

Allen Mounts: Thank you.

Councilwoman Mosby: At 6:30, is that correct?

Allen Mounts: Yes. We'll take the comments as well. I think could be helpful for us, having folks show up and talk about the plan, the cost impact on them, that's stuff we take down to be part of our final plan but it helps us with regulators. Now, it is going to sway them? It's meaningful. It's not without some impact to have customers, ratepayers to show up and voice their concerns.

Unidentified Speaker (*Inaudible*)

Allen Mounts: Just a hair less than that but yeah, that's right.

Unidentified Speaker (*Inaudible*)

Councilman McGinn: But again, I mean, just so everyone who is listening is clear, you guys don't come here hat-in-hand and say, "Gee, we want you to do this", I mean I everyone understands it's the federal government, the Environmental Protection Agency are forcing us to do this under penalty of unbelievable fines, denial of permits, denial of federal aid, and anything else they can put on the back of our heads. So the fact that you're trying to get a plan here and work with these people who appear to be somewhat inflexible, I mean, so far I'm impressed at what you have done and what you are trying to do. I mean, you know, we are forced to do this and you're trying to make it palatable so I thank you very much for that. I mean I really do.

Jim Gerard: Part of why, when they filed suit against Evansville, I mean the last meeting we had with them when they had six months and ten years on the table, our answer was, "You should sue us. There is no way we can agree to that. It's not doable", and frankly we didn't think a judge would order anything more severe than that so we'd take our chances and they did. They sued Evansville but now we have an opportunity I think to develop a plan and present a plan that has more time and more flexibility.

Unidentified Speaker (*Inaudible*)

Jim Gerard: Absolutely.

Unidentified Speaker (*Inaudible*)

Jim Gerard: There is no question. In fact I think Paul had a slide in here initially and I think I took it out. It was already a long presentation. There should be many opportunities to right size this stuff, to reengineer this stuff, to look at different technologies develop over time, because if we are talking about a 20 to 30 year program, things change. Things get better, improvements are made so there should be opportunities to (*Inaudible*) do that.

Allen Mounts: The terminology that's being used today is Adaptive Management so as you learn more about you're system, you get better insights to see how you might approach something differently that what you define today. So six years from now, seven years from now, technology is going to change and as we get better insights around how the system behaves then we'll look for continued opportunities to save money there and mitigate future rate increases.

Vice President Adams: Okay, well thank you so much. It's been very detailed and...

Unidentified Speaker (*Inaudible*)

Jim Gerard: We did touch on this so I'll just mention the next step sort of: we have the public meetings, we'll finalize the plans, submit that, and incorporate comments from the public as well. That will then put the ball in EPAs court to respond. They can either accept the plan, they could reject the plan out of hand, or what is likely is continued discussions with us (*Inaudible*) where they come back and say, you know, "Like this, don't like", or have that final discussion about what this plan should look like and then either...

Vice President Adams: I'm sure you'll be coming back to update us with all this. We have a couple of issues after this so I thank you for your presentation, it was very detailed. I don't mean cut you guys off...

Councilman McGinn: And thank you for having Bee Slough number one.

Allen Mounts: Thanks.

Vice President Adams: Okay. We have a couple other issues. I've got...I think we all got this piece of paper from Connie Whitman. Mrs. Whitman, this is just for information, I guess? Is Mrs. Whitman here?

Connie Whitman: *(Inaudible – Off Mic)*

Vice President Adams: 1780 N. Norman Avenue? You gave us this piece of paper earlier today.

Connie Whitman: Do you want to comment...

Vice President Adams: No, I just wanted to know...this was just for our information, is that correct?

Connie Whitman: Yeah. If you have any questions or if you want me to comment, I brought this up to you on December 8, 2008, talked to you all about then and again in 2010. I was just kind of letting you know that I had dropped that off last Monday, so thank you.

Vice President Adams: Well, I mean you are welcome to speak but frankly, if you're...if it's for information I appreciate that.

Connie Whitman: Thank you.

Vice President Adams: The other issue here is Althea Young and Venetta Mitchell, who live at 1710 S. Garvin Street. This is an issue in which you had your parking permit revoked by the Safety Board because they thought that you were not using the thing.

Althea Young: That's correct. Okay, sir...

Vice President Adams: And that a bunch of medical issues that...I read the minutes of the Safety Board thing already...

Althea Young: Yes, I did submit...I had the pertinent documents...

Vice President Adams: Can you speak up a little bit ma'am.

Althea Young: Yes. I had the pertinent documents submitted to the board. They granted me the permit back in November I believe it was, as a result of my doctor writing a letter saying that I would benefit, because of my chronic conditions, to have a parking space in front of my house. The driveway is not paved so that I have to step out in mud or snow or whatever conditions we might have. I was always taught to use sidewalks. That's what I do. My sister will pull up in

front of the house and let me out to help her unload our groceries so we can take them in. My landlord also wrote a letter about the condition of the driveway, that it's not paved.

Vice President Adams: If I understand it correctly, you've been using this special parking space in front of your house for you to get groceries in.

Althea Young: Yes sir and to come out.

Vice President Adams: But mostly you park your car in the driveway itself when you are not using that.

Althea Young: Well, I use it for short periods of time and then when I came to the meeting, I was aware, I became aware, that there was policeman assigned just to sit there and watch how many times I used it per week. Because of my handicap, there are times when I do not leave my home for weeks at a time and I feel that I do qualify for it. I have a handicap-parking sticker that I could use anywhere that I do which will not expire.

Along with the...I worked in human resources the disability laws. I do know that I didn't have to divulge my disabilities to the committee, which I did, because I thought it would help. I also have fibromyalgia, unstable ankles, lower back pain, and chest pain. I've been in the hospital for a stroke because my neighbors are off the chain. We have numerous reports where we have called the police and made complaints to no avail. It came down to me having a heated argument, which was not coming from me but from the Chief of Police. At that board meeting that I was at, I had just been in a car accident on my way to the meeting. A lady that I used to go to church with stopped and she brought me to the meeting because I've learned from the City of Evansville not to miss a meeting. The reason I live at 1710 S. Garvin Street is because of the illegal eviction that was given to me because I didn't show up in court. I went down to the river front with my father, like they read all the names and things on Veteran's Day so I thought it was a federal holiday so I ended up with an illegal eviction. So I tried to make the meeting on the 8th to let you know that it is very important for me to have this parking space because when it snows I cannot cross my lawn. I cannot get out of my car when it's raining because there are puddles of water. The Chief of Police embarrassed me to the point of tears at that meeting on the 8th. He told the committee that they could not believe a thing that came out of my mouth, that I was a liar. I can't...I told him anytime he wants to meet with me about giving me a polygraph test, I dare him to take one as well.

Vice President Adams: Madam, let me ask you what you would like this committee to do?

Althea Young: I would like for you to overturn the board's decision to revoke.

Vice President Adams: Okay. Now, if you don't mind, I have to ask some advice from our lawyer because I don't know the answer to that. Does the City Council have the power to overturn the ruling of the Safety Board?

Council Attorney Danks: If it's all right, I'll give you the response at our next meeting. I don't know and I didn't know this issue was going to come before us and...I don't know.

Vice President Adams: But you do me a favor? I mean if we can help you, it would be up to the individual here to decide whether we can, but at this particular time, we don't know whether

we have the power to overturn the Safety Board's judgment. So what I would like to ask you to do...how much time do you need? Two, three months?

Council Attorney Danks: Well, at our next meeting. I do know the Council has a final say in all traffic matters and I think this probably constitutes a traffic matter, but I'll give the Council a definitive answer prior to our next meeting.

Vice President Adams: Okay, let's...

Althea Young: Sir, could I add one more thing?

Vice President Adams: Sure.

Althea Young: Okay, when I'm not using my parking space, there are guys that are coming up on mopeds, threatening my sister's and my life. We have the Police Chief that seems to have a vendetta against us. He claims nobody likes us, but that's not true at all.

Vice President Adams: But that doesn't...I apologize for that burden but that doesn't meet what we are trying to do here.

Althea Young: Right.

Vice President Adams: And so if you would be so kind, if you would call our Clerk, we will let you know at what meeting we will have a definitive answer from our lawyer as to whether we can help you or not, number 1, and number I promise you will not have to wait. You'll be first on the Miscellaneous docket the next time so you won't have to wait until 7:30 at night.

Althea Young: Okay, sir could you please tell me what...if you don't mind Mr. Danks, letting me know prior to the meeting, what is a pertinent document to keep the handicapped parking space when you find that out because I'm sure that...

Council Attorney Danks: (*Inaudible*) going to ask to clarify my research, what exactly did the Safety Board revoke that you think you had and now you no longer...

Althea Young: They said...

Venetta Mitchell: Her handicapped parking space...

Althea Young: In front of my house.

Venetta Mitchell: In front of our house.

Council Attorney Danks: You have a designated space.

Althea Young: Yes

Venetta Mitchell: Yes, we have a designated space but the drug dealer that lives next-door to us has gone down to the Safety Board and complained. He and his family own seven cars and if it wasn't for him...

Althea Young: For two homes.

Venetta Mitchell: Yeah, for two homes. If it wasn't for the handicapped parking space in front of our house, there would be a lot of accidents because that's the only place that the people have to yield the right-of-way because the drug pusher and his family's house takes over one and a half blocks of parking.

Althea Young: Yes sir, and we have pictures of it.

Vice President Adams: Okay.

Council Attorney Danks: I'm sorry. What was your understanding as to why they revoked your handicapped spot...

Venetta Mitchell: Because the drug dealer...

Althea Young: Because we don't use it enough.

Venetta Mitchell: We got a letter...because we don't use it enough.

Council Attorney Danks: All right. I'll check into that and I'll advise the Council.

Althea Young: And the committee also had an attorney representing them. I think it was Ziemer law firm. He's a...you know, he's a friend of ours...I know we sat through all this other stuff and find out that we are going to end up paying almost \$90.00 more a month. I'm not trying to be funny. I'm just saying....

Vice-President Adams: No, I was actually making a little funny with Mr. Ziemer.

Althea Young: We like him. He's our friend.

Vice-President Adams: I understand.

Venetta Mitchell: Yeah, we do.

Althea Young: We do have people that like us.

Venetta Mitchell: We understand that his company is just on retainer for the...

Vice-President Adams: Okay. So if you don't mind, if you'll give us time to do the research on this, we'll find out whether we can or cannot help you. Then if you'll come back, I promise you will not have to wait until 7:30 at night to get up here and talk. We'll have you right on the first part of the Miscellaneous docket.

Althea Young: (*Inaudible*) Americans with Disabilities, we have rights.

Vice-President Adams: Yes ma'am, I understand.

Okay, thank you so much. I apologize for you having to wait so long.

Althea Young: Also may I ask this, that when I did park out on the street, I had over \$1500 worth of deductibles because our neighbors hate us. They tore our windsh...our side mirrors off, scratched up our car right after we got it out of the shop. We had to put it back in the shop because they vandalized our cars.

Vice-President Adams: Unfortunately, that has no bearing on whether you have this parking place or not.

Althea Young: Right.

Vice President Adams: Yeah, okay, thank you so much.

Althea Young: You're welcome. We've had a lot of trouble with them and no protection from the police.

Vice-President Adams: Thank you ma'am. Okay.

Althea Young: Yes, yes. Mr. Bolin has instructed his secretary to disconnect our calls whenever we call.

Council Attorney Danks: When is our next...

Vice President Adams: Next Monday.

Council Attorney Danks: Next week.

Vice President Adams: Okay, we will notify you when we've got the man...sometimes he doesn't work so fast but he does work fine.

Althea Young: He looks young enough to have a little (*Inaudible*).

Vice President Adams: Thank you. All right, is there anyone else in the audience that has a beef or a discussion or anything they want to talk about?

Councilman McGinn: Mr. President, I only signed one document today, an ordinance. Are there more that are floating around was there only one we have to sign?

Councilman Friend: I think there is only one.

Councilman McGinn: Just the one? Just the finance ordinance?

Councilman Friend: Just that one. We got a break.

Councilman McGinn: (*Inaudible*) the rezonings.

Vice-President Adams: Okay. You can check with the clerk, however, if you'd like.

Councilman Friend: Mr. President, I have one question. I would just like to thank Russ. Now Russ passed out a memorandum on some questions to all the members about some changes in balances. Does anybody have any questions about that? I know we're getting late, we need to get going.

Vice President Adams: I just want to read it first.

Councilman Friend: Yeah, read it. I just want to thank you Russ, for getting that done for us. Thank you so much.

Vice-President Adams: Great. Okay. Committee Reports.

COMMITTEE REPORTS:

FINANCE COMMITTEE:

Re: Ordinance F-2013-5

Date: 5-20-13

Time 5:10 p.m.

Notify: Jane Reel/Lisa Angermeier

CHAIRMAN JOHN FRIEND

Authorizing appropriations and
re-appropriations of funds (DMD)

PUBLIC WORKS COMMITTEE:

Re: Ordinance G-2013-7

Date: 5-20-13

Time 5:15 p.m.

Notify: Bret Sermersheim, Morley & Assoc.

CHAIRMAN CONOR O'DANIEL

Petition to vacate a public way or place
more commonly known as 711 W. Mill
Road

Re: Ordinance G-2013-6

Date: 5-20-13

Time: 5:20 p.m.

Notify: Steven Krohn, Attorney for Berry Plastics

Petition to vacate a portion of the northern
most lane of Division St. between Oakley St.
on the west and Mary St. on the east

A.S.D. COMMITTEE:

Nothing scheduled at this time.

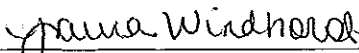
CHAIRWOMAN STEPHANIE RILEY

ADJOURNMENT


Vice-President Adams: Great. I will entertain a motion for adjournment?

Councilwoman Mosby moved and Councilwoman Brinkerhoff-Riley seconded the motion to adjourn. Voice Vote. So Ordered.

Meeting adjourned at 7:39 p.m.



Laura Brown, City Clerk



Constance Robinson, President

